

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BARTOLOME, *et al.*, §
Plaintiffs, §
VS. § CIVIL ACTION NO. H-04-3898
§
UNITED STATES OF AMERICA, *et al.*, §
Defendants. §

MEMORANDUM AND ORDER

On February 16, 2006, the Court ordered Plaintiffs to submit proof of service of the Complaint upon the United States on or before March 8, 2006. On March 8, Plaintiffs represented to the Court that they had served the United States, on February 20, 2005, with a copy of the Complaint that was missing several pages and that included pages from a Complaint filed in a separate and unrelated case. Plaintiffs also submitted proof that an accurate copy of the Complaint was served upon the United States on March 8, 2006.

Neither of these attempts at service complies with FED. R. CIV. P. 4. Service of an inaccurate copy is, of course, inadequate to apprise a defendant of the claims asserted against it. And the March 2006 service occurred more than a month after the deadline imposed by Rule 4(m). Accordingly, Plaintiff's claims are hereby **DISMISSED WITHOUT PREJUDICE TO REFILING.**

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 29th day of March, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND Affected NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**